

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LUBOMIR METODIEU DIMITROV,

Plaintiff,

v.

Case No. 05-C-397

K. MIKUTIS,

Defendant.

ORDER

Lubomir Metodieu Dimitrov, a prisoner in state custody, has filed a notice of appeal and a motion to appeal. Construing his motion as a motion to proceed *in forma pauperis* on appeal, the court ORDERS that the "Motion to Appeal" (filed June 7, 2005) IS DENIED. The Plaintiff's case was dismissed without prejudice after the Plaintiff failed to make timely payment of the partial filing fee which the court had ordered him to pay. The court hereby certifies that this appeal was not taken in good faith because Dimitrov has not cured his default by paying the partial fee. See 28 U.S.C. § 1915(a).

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 9th day of June, 2005.

s/Thomas J. Curran

THOMAS J. CURRAN

United States District Judge